

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Timothy Leighton, John Taney, Arlen Orth,
Richard Terry, and William Wallace,
individually and as representatives of a
class of similarly situated persons,

Plaintiffs,

vs.

Delta Air Lines, Inc. and Administrative
Committee of Delta Air Lines, Inc.,

Defendants.

Civil File No. 19-CV-01089-JNE-TNL

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR IN THE
ALTERNATIVE FOR A REMAND TO
THE ADMINISTRATIVE
COMMITTEE**

Defendants Delta Air Lines, Inc. and Administrative Committee of Delta Air Lines, Inc. (collectively, "Defendants"), pursuant to Fed. R. Civ. P. 56, hereby moves the Court for an order granting summary judgment against Plaintiffs and dismissing Plaintiffs' remaining ERISA § 502(a)(1)(B) claims. Alternatively, should the Court not grant summary judgment, Defendants request that the Court remand this matter to the Administrative Committee for further proceedings, as discussed in their Memorandum of Law.

This motion is based upon Defendants' Memorandum of Law, supporting declarations and exhibits, such argument of counsel as the Court shall permit, and all records, files, and proceedings herein.

Dated: July 1, 2021

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